

July 5, 2018

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**RE: SES and Intelsat Notice of *Ex Parte* Presentation  
GN Docket Nos. 17-183, 18-122**

Dear Ms. Dortch:

On July 2, 2018, representatives of SES and Intelsat (the “Parties”) met with Erin McGrath, Legal Advisor to Commissioner Michael O’Rielly. Participants in the meeting on behalf of SES were Petra Vorwig, SES Senior Legal & Regulatory Counsel, Kimberly Baum, Vice President, Spectrum Management and Development Americas, and Michele Farquhar, outside counsel to SES; for Intelsat, Susan Crandall, Associate General Counsel, and Henry Gola, Wiley Rein LLP, outside counsel to Intelsat. In addition, Michele Farquhar had a telephonic meeting with Umair Javed, legal advisor to Commissioner Jessica Rosenworcel.

In the meetings, the Parties discussed the draft *NPRM*<sup>1</sup> on Expanding Flexible Use of the 3.7 to 4.2 GHz band (“C-band”) tentatively scheduled to be voted on at the July 12<sup>th</sup> Open Commission Meeting. The Parties reiterated their belief that their market-based Joint Proposal,<sup>2</sup> the lead proposal in the draft, provides the fastest and most effective way to clear spectrum for terrestrial mobile 5G use while protecting the reliability and high quality delivery of incumbent video and audio downlink services. The Parties also highlighted the multiple benefits of their lead proposal for industry growth and investment, noting that it best aligns incentives to ensure a win-win solution for all stakeholders, as well as the broader public interest.

In addition, the Parties emphasized that the most efficient way to clear spectrum for flexible use is for the Commission to avoid mandating excessive complexity and proscriptive rules. The Commission can provide appropriate oversight of a market-based process without finalizing every detail at the outset. Flexibility will be the key to a fast and efficient clearing process, which is critical to win the race to 5G. The Parties also noted that the draft NPRM’s proposal to do away with full-band, full-arc (“FBFA”) coordination fails to recognize that FBFA flexibility for earth stations will be essential in order to facilitate any rebanding to make spectrum available for terrestrial mobile operations.

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<sup>1</sup> *Expanding Flexible Use of the 3.7 to 4.2 GHz Band, Order and Notice of Proposed Rulemaking*, GN Docket No. 18-122, GN Docket No. 17-183 (draft released June 21, 2018) (“*Order*” or “*NPRM*”).

<sup>2</sup> See Intelsat-SES Feb. 21, 2018 *Ex Parte* Letter, GN Docket No. 17-183, Attach. at 1-2.

During the meetings, the Parties voiced their support for the Commission's focus on bringing broadband to rural America, but also expressed significant concern about the Broadband Access Coalition ("BAC") proposal to authorize point-to-multipoint ("P2MP") service, on a primary basis, in the top 160 MHz portion of the band. This proposal runs counter to a market-based approach for making the band available for 5G and would create an obstacle to the clearing/repacking process by adding more users into other portions of the band at the same time. The BAC proposal also would further constrain the remaining capacity in the C-band downlink and harm the Parties' ability to provide high quality service to their customers. The Parties' customers continue to express great concern about protecting their ongoing high quality satellite service for the more than 100 million U.S. households that rely on their video programming services. These customers' options are even more limited in smaller and rural markets. P2MP providers have not demonstrated that they can remedy interference by switching channels quickly enough, or accommodate the shifts in frequencies or orientation of receive earth stations, to satisfy the high reliability requirements of video customers. Accordingly, the Parties urged the Commission to focus the *NPRM* on facilitating entry of 5G services into the band and to identify other frequency bands for possible P2MP use. At a minimum, the Commission should seek comment on the costs and benefits of allowing more immediate P2MP entry into the C-band through the market-based approach vs. the complications of P2MP entry into the upper portion of the C-band.

Finally, the Parties added that the information collection requirements in the draft C-band *Order* are premature, as decisions made in the *NPRM* could result in significant changes in the information to be collected (and may make collection of the information unnecessary). Before placing an extraordinary burden on C-band receive-only earth station operators, especially small and rural operators, the Commission should weigh the costs and benefits of doing so and allow comment. The Parties also noted to Erin McGrath that, although they appreciate the Commission staff's willingness to work with them on reducing obstacles to registering operational earth stations, they are seeking further streamlining because of concerns that the current registration process still imposes undue economic and administrative burdens on small businesses.

This notice is filed pursuant to FCC Rule 1.1206; please contact the undersigned with any questions regarding this matter.

Respectfully submitted,

/s/ Michele C. Farquhar

Michele C. Farquhar  
Partner

Counsel to SES  
[michele.farquhar@hoganlovells.com](mailto:michele.farquhar@hoganlovells.com)  
D 202 637 5663

cc: Erin McGrath  
Umair Javed